

# An Answer to the Objections

Made to the

## SURGEONS BILL.

**T**hat the Surgeons of *London* in the Reign of *Hen. VII.* Examined such as were admitted to Practise Surgery, and chose Mr. *John Smith*, Dr. in Physick, an Examiner with them, who was present at such Examinations, appears by an Old Manuscript formerly belonging to Sir *Robert Cotton*, and now ready to be produced. It appears also by the same Manuscript, that the Persons Examined and Approved, were admitted to practise in the directive as well as the operative part.

That the examined and approved Surgeons of *London* examined the other Surgeons, is further manifest by the Statute of *H. VIII. An. 3. C. 11.* By the 32<sup>d</sup> of *H. VIII. C. 42.* at their Incorporation with the Barbers, all former Priviledges were confirmed to them: But the Surgeons not permitted to shave, because they took into their Houses such as had the *French Pox* and *Plague*, which are not Cured by Plaisters only.

By the 34<sup>th</sup> and 35<sup>th</sup> of *H. VIIIth Cap. 8.* all Persons having Skill in Herbs, Oyntments, &c. are impowred, not only to Cure outward Sores, but also to give Drinks in Cases of Stone, Strangury &c. And this Act was made because the Surgeons had hindred many Persons from doing it, as appears by the Recital: From which it is strongly to be imply'd, That the Surgeons had a Right to give such Drinks: Otherwise there had been no colour for their Pretence to restrain others from it.

Till the first year of King *J.* the 1<sup>st</sup>. the Surgeons used Surgery in all its parts, without any interruption from the College. And the said *K. James* the 1<sup>st</sup>. in the 2<sup>d</sup> year of his Reign, confirm'd all former Priviledges unto them; and further, by Charter impowred them to give Internal as well as External Medicines, and to Examine all that use Surgery: And the Usage has been in all times agreeable to it, and lookt upon as an Essential part of the Practice of Surgery.

Whereas the College do confidently affirm, that the Surgeons attempts to procure a Patent from King *Charles* the 1<sup>st</sup>. for giving Internal Medicines in Cases of Surgery was in vain, and that the Lord *Coventry* refused to Sign the same, is not so: For it is apparent that the Surgeons have that Patent, in which he not only confirms the aforementioned Priviledges, but grants to them many others; amongst which, that all Persons using Surgery within the City of *London* and 7 Miles thereof, should be Examined by four or more of the ten Examiners of the same Company, in the presence of two or more of the Governours, which method continues to this day.

By vertue of the 32<sup>th</sup> *H. VIII.* the Physicians of *London* were impowred to use Surgery, but not to Examine Surgeons.

That the Surgeons themselves do constantly chuse two of the College to read their Anatomical Lectures is true, (but they are not Elected by the College, as they would infer,) and four of their own Members to dissect the Body for their own improvement in that Art; which if the College had been as careful to do, they would not have discontinued the Lectures which Dr. *Harvey* left a considerable Sum of Money to maintain.

Whereas the Physicians affirm they were a Corporation Eighteen years at least before the Surgeons, the contrary is manifest: For the Surgeons were a Company in *Henry* the VII<sup>th</sup>'s time, as appears by the Arms given them by the said King, and by the Preamble of the 5<sup>th</sup> of *Hen. VIII. Cap. 6.* and 32 *Hen. VIII. Cap. 42.*

Whereas the Physicians do alledge, that the Surgeons met with great disappointments in the Court of King *James* the 1<sup>st</sup>. the contrary is manifest, by his Gracious Charter above mentioned.

True it is, That such an Order as is mentioned by the College, dated the 13<sup>th</sup> of *June*, 1632. was obtained, and concealed for about three years, but upon Petition of the Surgeons, and a Hearing before the Court of Star-Chamber, it was disannulled.

True it is, That there was a Hearing before the late Lord Chancellour in the



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True it is, That there was a Hearing before the late Lord Chancellour in the College of Physicians, but the Complaints of the Surgeons were not held so unreasonable as the Physicians affirm: For after the Hearing of both Parties, He publicly declared, That giving Internal Medicines in Cases of Surgery, was Practising of Surgery.

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When the College lately offer'd their Bill to the House of Lords, the Surgeons Petition against it did not find so little favour as they affirm, for thereupon, their Arbitrary Clause was struck out of the Bill; of which Bill a Copy is ready to be produced.

The Physicians pretend to object to the Bill; That under colour of Cases of Surgery, it is intended to bring in all Cases.

That is but a meer Cavil, for every body knows what is meant by Cases of Surgery: And if it be thought that there is any Weight in that Objection, the Surgeons are content it should be more plainly expressed, if it can be.

Another Objection is, That the Surgeons intend to let themselves into the General Practice of Physick, by desiring that in all Cases it may be lawful for the Physicians to consult with them.

The Answer to this is plain—They only desire that the College may not restrain Physicians from Consulting in proper Cases with Surgeons: Which the College of late has pretended to do by By-Laws which they have made. The Bill does wholly referr it to the Judgment of the Physician, whether he will consult with them, or, in what Cases he pleases to do so.

In Answer to that part of the Bill, against which the Physicians Object, that the Surgeons ought not to examin Surgeons: Nothing more is desired in that part of it, than what is already practised, except only, that whereas now the Bishop of *London*, and Dean of *St. Pauls*, do License upon a Certificate of any four Surgeons (in which they may easily be imposed upon) the Certificate by the Bill is to be from the Examiners of the Company: Whereby Abuses will be prevented.

The Physicians set down three Reasons, as insisted upon by the Surgeons, for the Bill, which they pretend to except to, but without cause: For as to the

*First*, That they have the like power already, of giving Internal Medicines in Cases of Surgery; it is most true, that such power is granted them expressly in the Charter of *K. James 1st.* and confirmed to them by other Charters.

The Surgeons second Reason mention'd is, That these powers are necessary to fit them for the King's Service, which is most apparently true, for otherwise they cannot be capable of serving in the Royal Fleets, or in Merchant Ships, or in the King's Armies, and the Surgeons are allowed this liberty in all other Countries in *Europe*, and here, except within seven Miles of *London*.

The Truth of the third Reason for the Surgeons, That, till of late, Physicians have consulted with them: Is known to most Gentlemen, and cannot be denied by the Physicians themselves.

As to what the Physicians pretend to find in their Annals, That some few Physicians have sometimes gone in the Fleets, it is true; but they did not go as Physicians to the Fleet, or to take care of the Sea-Men, but to attend the person of some particular great Officer; and it is as true, that there is but one Physician in the Establishment of the whole Army, whereas there is a Surgeon and a Mate to every Regiment.

As to the insinuation, That the giving this liberty to the Surgeons, will be a prejudice to the Universities; it is but a meer pretence: For it is desired only in Cases of Surgery, which will not affect them. But the Physicians admitting more than forty Foreign Doctors, and giving them place before the Doctors of either of our Universities, and the general Licenses to practice Physick, which the College does frequently give to persons who never were of any University, if they will pay Fees, Gratuities, and Quarterage-Money, as the College thinks fit to demand, is a great detriment to the Universities, and a discouragement to the study of Physick there.

Whereas the Physicians alledge, they are so far from discouraging the Surgeons, that they never denied any who applyed to them for a License to practice, Provided they gave any Testimony of their fitness: the contrary is so manifest, that they refused to License *Mr. Coatsworth*, the last person of the Surgeons Company who had a License from them, till he had procured himself to be discharged of the Company.



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